

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 1459 of 2006

HARDEVI
V/S
STATE & ANR.

Mr. RK BOHRA for Mr.NL JOSHI, for the appellant /
petitioner

Date of Order : 13.4.2006

HON'BLE SHRI N P GUPTA, J.

ORDER

Heard learned counsel for the petitioner.

The petitioner seeks direction to allow her to
continue her duty on the post of Angan Bari Worker as
selected vide Annexure-1.

The allegations are that the petitioner was
selected by the respondent no. 2 vide order dt. 4.8.1992 at
a fixed honorarium of Rs. 275/- per month. Then, she
intended to contest the municipal election, and for this
purpose she submitted resignation on 4.8.2005. The
allegation in para-4 of the writ are that this resignation
has neither been accepted by competent person, nor ever
informed in this regard to the petitioner, nor any office
order has been passed, and that endorsement of acceptance

was made by the Junior Accountant Amarjeet Singh who had no right to accept the resignation. Thereafter the petitioner has alleged that she lost the election, and thereupon she reported the respondent no.2 to be permitted to come back on duty, thereafter various representations were made but all to no good.

In my view, when it is not in dispute that the petitioner submitted resignation Annexure-2 for contesting the municipal election. Had she been in service, she would not have been eligible to contest the election, and admittedly taking advantage of the endorsement of acceptance appearing on Annexure-2, she did contest the election. Simply because she has lost the election, it cannot be said that she becomes entitled to be taken back on duty. What is significant to note is that the first communication addressed by the petitioner being Annexure-3 is dated 24.8.2005 wherein all that has been alleged is that she tendered resignation for contesting the elections, and since she has lost the election she may be taken back on duty. Thus, the parties were ad idem to the effect that she has resigned, and her resignation has been accepted, and then only she contested the election. In my view, once the petitioner has taken advantage of the resignation, she cannot be allowed to challenge the same in the writ petition by now contending that the endorsement of acceptance is not by competent authority.

The writ petition is, therefore, dismissed
summarily.

(N P GUPTA), J.

/Sushil/